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**FREEDOM  
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June 20, 2008

Jeff Jordan, Esq.  
Supervisory Attorney  
Complaints Examination & Legal Administration  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

*Re: MUR 6014 (Freedom's Watch, Inc.)*

Dear Mr. Jordan:

This letter responds to the complaint (MUR 6014) filed by the Democratic Congressional Campaign Committee ("DCCC") against Freedom's Watch, Inc. ("FW"). In their complaint, the DCCC erroneously alleges that FW violated 2 U.S.C. § 434(f) by failing to file the required Federal Election Commission ("FEC") Form 9, "24 Hour Notice of Disbursements/Obligation for Electioneering Communications" for three television advertisements FW ran in Louisiana and Mississippi.

As confirmed during our June 18, 2008 telephone conversation and as demonstrated by the attached press report, FW filed the required permissible electioneering communication reports in a timely manner for each of the advertisements and the allegations contained in the DCCC's complaint are without merit. *See Congressional Quarterly*, May 8, 2008 (Copy Attached). During our June 18, 2008 telephone conversation, we discussed that the DCCC's allegations in MUR 6014 relate solely to a clerical error by the FEC in failing to post FW's timely-filed Form 9 reports on the FEC website prior to May 8, 2008. The FEC corrected this clerical error by posting FW's filings on the FEC website and reflecting the actual date of filing for each Form 9 report on the FEC website. An FEC spokesman, George Smaragdis, acknowledged in a *Congressional Quarterly* article dated May 8, 2008 that the FEC is

“conducting a complete review of our processing system to ensure that such a problem does not occur again in the future.”<sup>1</sup> *Congressional Quarterly*, May 8, 2008 (Copy Attached).

In conclusion, based on the FEC's acknowledgement of its own clerical error and admission that FW filed the permissible electioneering communication reports in a timely manner, there is no evidentiary basis to support the DCCC's allegations in MUR 6014 and the FEC should dismiss this complaint without further investigation.

Sincerely,



W. Ryan Teague

General Counsel

Freedom's Watch, Inc.

<sup>1</sup> It is worth noting that the copy of the DCCC's complaint forwarded to FW by the FEC includes a date stamp of "2008 May 21 A 10:51" as the date of receipt by the FEC of the DCCC's complaint in MUR 6014. As stated above, the FEC publicly acknowledged in a May 8, 2008 *Congressional Quarterly* article, that the FEC received FW's reports in a timely manner and that the filings had not been posted to the FEC website "due to a technical snafu" at the FEC. On May 8, 2008 – thirteen days before the DCCC filed its complaint – the FEC actually posted each of the FW Form 9 filings on its website and reflected the actual date of filing. Even with this public acknowledgement by the FEC that the FW filings were on file with the FEC, the DCCC appears to have disregarded the public record demonstrating FW's compliance with the permissible electioneering communication reporting requirements and filed the complaint anyway. It is inexplicable how the DCCC chose to wait to file a complaint until May 21, 2008 that includes allegations that, as of May 8, 2008, were well documented on the FEC's publicly available website and in press articles to have been factually inaccurate.

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<http://www.capolitics.com/wmspage.cfm?docID=news-000002720035>

## **Congressional Quarterly: Conservative Group's "Missing Reports" Turn Up At The FEC**

**May 8, 2008**

**By Emily Cadei**

Democrats have mounted a public relations offensive against a conservative non-profit called Freedom's Watch in recent weeks, but their latest criticism turns out to be unfounded.

The Democratic Congressional Campaign Committee (DCCC) filed the latest in a series of election law complaints against Freedom's Watch today, this time accusing it of failing to file required disclosure documents for advertisements run in Mississippi's 1st District special election. However, the Federal Election Commission confirmed Thursday that the disclosures had been filed, but due to a technical snafu had not been properly posted to the FEC database.

The FEC Web site has now been updated with the group's six missing reports, which list more than \$870,000 in advertising expenditures between April 23 and May 6.

Freedom's Watch was formed last year by a group of prominent Republicans, including former White House Press Secretary Ari Fleischer and Carl Forti, former communications director at the National Republican Congressional Committee (NRCC). The group was formed as a counterpoint to liberal advocacy groups like MoveOn.org. As a registered nonprofit, it is prohibited from advocating on behalf of or donate directly to candidates. But it can run ads on issues — something it's done in Louisiana and Mississippi special elections over the past month — as long as it files what are called "electioneering communications" reports disclosing the ad buys and their backers.

The DCCC has been keeping an eye on Freedom's Watch and other independent, conservative-leaning groups all year, viewing them — rather than the cash-strapped NRCC — as the real threat in the 2008 congressional elections.

"The lack of NRCC resources is no comfort," DCCC Chairman Chris Van Hollen of Maryland said in a recent statement. "This cycle, Republican 527s have pledged more than a quarter-billion dollars toward beating Democrats."

So far, the Democratic committee has been aggressive in pushing back against Freedom's Watch's incursions into recent House races. It filed three complaints last month against the group — two to the FEC and one to the IRS — alleging violations of campaign laws, including coordinating with the Republican party, advocating against specific candidates, and violating its tax-exempt status.

Freedom's Watch, meanwhile, has dismissed the Democratic claims as baseless political attacks.

"The DCCC — whether through frivolous complaints or false and deceptive attack ads — is trying to stifle all debate on the issues and silence anybody who doesn't believe Washington should raise taxes on the middle class during an economic slowdown," spokesman Ed Patru said in a statement. "Their latest effort to silence dissent is a revealing commentary on just how arrogant this do-nothing Congress has gotten to be."

The Freedom's Watch disclosure reports appear to be the only documents that were snagged up in the FEC's processing malfunction. But commission spokesman George Smaragdis said the agency is "conducting a complete review of our processing system to ensure that such a problem does not occur again in the future."

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